



## Appendix B

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 4089714660

Fax Information

Date Received:

Total Pages:

10/10/2006 5:53:19 PM [Eastern Daylight Time]

13 (including cover page)

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Received  
Cover  
Page

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TO: USPTO

**ZILKA-KOTAB**  
ZILKA, KOTAB & CO., LLP  
1000 PENNSYLVANIA AVENUE, N.W.  
SUITE 1000, WASHINGTON, D.C. 20004-3343  
TELEPHONE (202) 342-2512  
FAX (202) 342-4365

**FAX INFORMATION**

Date: October 10, 2006	Phone Number:	Fax Number:
To: Plaintiff, Plaintiff, Plaintiff		(408) 971-4660
From: Plaintiff, Plaintiff		

United States Patent and Trademark Office  
Ann Arbor, Michigan 48106-2000  
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Message:

Please attach or file the Postage Due stamp.

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PAGE NUMBER: 10/10/2006 5:53:19 PM [Eastern Daylight Time] 10/10/2006 5:53:19 PM [Eastern Daylight Time]

FAX READER ID: ZILKA-KOTAB, PC  
FAX READER 2:TRANSMITTER-DEFINED : OCT. 10, 2006 3:04PM  
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4342 MEMORY IX

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1 41 05/09/2006 10:45:11 AM**ZILKA-KOTAB**  
ZILKA, KOTAB & FEECH, PCTELEPHONE (408) 971-2573  
FAX (408) 971-4660

## FAX COVER SHEET

Date:	October 10, 2006	Phone Number	Fax Number
To:	(571) 273-8300		
From:	Kevin J. Zilka		

Docket No.: NA11P4600D1.045.D

**App. No: 09/963,659**

Total Number of Pages Being Transmitted, Including Cover Sheet: 13

## Message:

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Date:	October 10, 2006	Phone Number	Fax Number
To:	Petition Division, USPTO	(510) 273-8300	
From:	Kevin J. Zilka		

Docket No.: NAIIP46001.0675.01

**App. No: 09/963,659**

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ivan Leblyashkin et al.

Application No. 09/963,659

Group No. 2137

Filed: 09/27/2001

Examiner: Schubert, K.

For: COMPUTER VIRUS DETECTION

**Mail Stop Petition**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**— under 37 CFR § 1.181(a)**

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Issue Fee and Publication Fee were timely filed in the above-identified application.
2. I hereby state:
  - (a) The payment of the Issue Fee and the Publication Fee were authorized to be charged to our deposit account on June 28, 2006 as shown on the Part B- Fee(s) Transmittal.

---

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***  
*(When using Express Mail, the Express Mail label number is mandatory;  
 Express Mail certification is optional.)*

I hereby certify that on the date shown below, this correspondence is being:

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deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)  
 with sufficient postage affixed thereto.

37 C.F.R. § 1.10\*  
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Assemble and mailed to the Patent and Trademark Office (PTO) - \$3.00

  
 Signature

Linda L. Earlow

---

 (Type or print name of person certifying)

After the mailing of this filing, I will be the joint user of this patent application, although the date of my co-ownership of mailing or transmission under 37 CFR 1.8(a) continues to be taken into account in determining priorities. See "A Brief Guide to Express Mail Post Office to Addressee" (37 CFR 1.10) for more information. I understand the reply to be recorded as the earliest possible filing date for patent term adjustment purposes.

3. I attach a copy of the Issue Fee Payment Transmittal showing that the fees in question were enclosed in section 4a, and the Director was authorized to charge the required fee(s) to our deposit account in section 4b. The Issue Fee Transmittal was submitted in duplicate for billing purposes.
4. A copy of the Notice of Abandonment is also enclosed.
5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.
6. We believe no fee is due in connection with the filing of this petition. However, should such a fee be deemed necessary, authorization is hereby made to charge the amount required for this petition to Deposit Account No. 80-1351 (Order No. NA11P460).

Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.



Signature of Practitioner

Kevin Zilkha  
Zilkha-Kotub, PC  
P.O. Box 721120  
San Jose, CA 95172-1120  
USA

Reg. No.: 11,129  
Tel. No.: 408 971-2573  
Customer No.: 28875

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Practitioner's Docket No. NAHP460/01.045.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ivan Leblyashkin et al.

Application No.: 09/963,659

Filed: 09/27/2001

For: COMPUTER VIRUS DETECTION

Group No.: 2132

Examiner: Schubert, K.

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

— under 37 CFR § 1.181(a)

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Issue Fee and Publication Fee were timely filed in the above-identified application.
2. I hereby state:
  - (a) The payment of the Issue Fee and the Publication Fee were authorized to be charged to our deposit account on June 28, 2006 as shown on the Part B- Fee(s) Transmittal.

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

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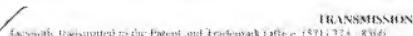
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Eric L. Fairlow

Printed name of person certifying

*\*From the date of filing, it is well settled that the post office is not entitled to withdraw a petition under § 1.8, unless to be taken into account in determining timeliness. See, 7 A.M.R. (2d) 1, Express Mail Post Office to Addressee, 37 C.F.R. § 1.10 (a) (similar transmission); I held for the right to file a petition under § 1.8, even if the earliest possible filing date for patent term extension is determined.*

3. I attach a copy of the Issue Fee Payment Transmittal showing that the fees in question were enclosed in section 4a, and the Director was authorized to charge the required fee(s) to our deposit account in section 4b. The Issue Fee Transmittal was submitted in duplicate for billing purposes.
4. A copy of the Notice of Abandonment is also enclosed.
5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.
6. We believe no fee is due in connection with the filing of this petition. However, should such a fee be deemed necessary, authorization is hereby made to charge the amount required for this petition to Deposit Account No. 50-1331 (Order No. NAIIP460).

Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.



\_\_\_\_\_  
Signature of Practitioner  
Kevin J. Zilka  
Zilka Kotab, PC  
P.O. Box 721120  
San Jose, CA 95172-1120  
USA

Reg. No.: 44,429  
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SAN ANGELO, TX 76901

EXCEPT 37 CFR 401 (b) (2) (i) (B)  
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**FAX COVER SHEET**

Date:	June 28, 2006	Phone Number:	Fax Number:
For:	2006 Testimony, USPTO	(512) 271-7885	
From:	Victor J. Zilka		

Document No.: FAX106062806  
App. No.: 09/983,659

Total Number of Pages Being Transmitted: Including Cover Sheet: 03

Message:

Please Refer to the Boxed Fee Disclosure.

Victor J. Zilka  
Kathy J. Kotab

I certify to the best of my knowledge and belief, that the above is a true copy of the original document filed in this office on the date indicated. I further declare that the original document filed in this office is identical to this copy.

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App. No: 09/963,659

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From:	Kevin J. Zilka		

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<i>Erica L. Barlow</i>		(Depositor's name)
<i>Zilka-Kotab, PC</i>		(Signature)
June 28, 2006		(Date)

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO.
US 963,659	09/27/2001	Ivan Telyashkev	01-043-01	9245

**TITLE OF INVENTION- COMPUTER VIRUS DETECTION**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
provisional	NO	\$1400	\$300	\$1700	08/24/2006
EXAMINER	ART UNIT	CLASS-SUBCLASS			
SCHUBERT, KEVIN R	2137	715-024000			

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1. Zilka-Kotab, PC

2. Christopher J. Hamaty

3.

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**McAfee, Inc.** Santa Clara, California

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A Applicant claims SMALL ENTITY status. See 37 CFR 1.22

b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

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Date 6/28/06

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Registration No. 41,429

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*Christopher J. Hamaty*  
 (Depositor's name)  
 (Signature)  
 June 28, 2006  
 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/953,659	09/27/2001	Ivan Telyashkin	01 045 01	9245

TITLE OF INVENTION: COMPUTER VIRUS DETECTION

APPN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
Nonprovisional	NO	\$1400	\$300	\$1700	08/24/2006
EXAMINER	ART UNIT	CLASS-SUBCLASS			
SCHUBERT, KEVIN R.	2137	726-474006			

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Zilka-Kotab, PC

Christopher J. Hamaty

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(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

McAfee, Inc.

Santa Clara, California

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5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.22.

b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(7).

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Typed or printed name: Kevin J. Zilka

Registration No. 41,429

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APPLICATION NUMBER	FIRST NAME/DATE	FIRST NAMED INVENTOR	ATTORNEY/DEALER/RELEASER	UNNUMBERED
09/981,659	09/23/2006	Yann Tebygolde	63 085,11	9245

3590 09/28/2006

Zilka Kotab, PC  
P.O. Box 721120  
San Jose, CA 95172-1120

EXAMINER	
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M. J. BAKER, PLS/SLB

APPLICANT	PAPER NUMBER
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2437

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Abandonment</b>	Application No. 09/963,659	Applicant(s) TEBLYASHKIN Art Unit SHUBERT 2137
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--		
This application is abandoned in view of:		
<p>1. <input type="checkbox"/> Applicant's failure to timely file a proper reply to the Office letter mailed on _____.</p> <p>(a) <input type="checkbox"/> A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.</p> <p>(b) <input type="checkbox"/> A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).</p> <p>(c) <input type="checkbox"/> A reply was received on _____, but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).</p> <p>(d) <input type="checkbox"/> No reply has been received.</p>		
<p>2. <input checked="" type="checkbox"/> Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTO-85).</p> <p>(a) <input type="checkbox"/> The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTO-85).</p> <p>(b) <input checked="" type="checkbox"/> The submitted fee of \$300 is insufficient. A balance of \$1400 is due. The issue fee required by 37 CFR 1.18 is \$1400. The publication fee, if required by 37 CFR 1.18(d), is \$300.</p> <p>(c) <input type="checkbox"/> The issue fee and publication fee, if applicable, has not been received.</p>		
<p>3. <input type="checkbox"/> Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).</p> <p>(a) <input type="checkbox"/> Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.</p> <p>(b) <input type="checkbox"/> No corrected drawings have been received.</p>		
<p>4. <input type="checkbox"/> The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.</p>		
<p>5. <input type="checkbox"/> The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.</p>		
<p>6. <input type="checkbox"/> The decision by the Board of Patent Appeals and Interference rendered on _____, and because the period for seeking court review of the decision has expired and there are no allowed claims.</p>		
<p>7. <input type="checkbox"/> The reason(s) below:</p>		

lgd

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

## Attachment to Notice of Abandonment

### For questions concerning the notice contact Office of Patent Publication Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

### Respond to the Notice of Abandonment by one of the following:

#### 1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 563 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:  
By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

#### 2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

#### 3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.